United Nations A/C.3/72/SR.30

General Assembly
Seventy-second session

Official Records

Distr.: General
6 December 2017

Original: English

Third Committee

Summary record of the 30th meeting
Held at Headquarters, New York, on Wednesday, 25 October 2017, at 10 a.m.

Chair: Mr. Gunnarsson ..... (Iceland)

Contents

Agenda item 72: Promotion and protection of human rights (*continued*)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*)

(c) Human rights situations and reports of special rapporteurs and representatives (*continued*)

This record is subject to correction.

Corrections should be sent as soon as possible, under the signature of a member of the delegation concerned, to the Chief of the Documents Management Section (dms@un.org), and incorporated in a copy of the record.

Corrected records will be reissued electronically on the Official Document System of the United Nations (http://documents.un.org/).

17-18850 (E)

Please recycle

The meeting was called to order at 10.05 a.m.

Agenda item 72: Promotion and protection of human rights (A/72/40 and A/C.3/72/9) (*continued*)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*) (A/72/127, A/72/128, A/72/131, A/72/132, A/72/133, A/72/135, A/72/137, A/72/139, A/72/140, A/72/153, A/72/155, A/72/162, A/72/163, A/72/164, A/72/165, A/72/170, A/72/171, A/72/172, A/72/173, A/72/187, A/72/188, A/72/201, A/72/202, A/72/219, A/72/230, A/72/256, A/72/260, A/72/277, A/72/280, A/72/284, A/72/289, A/72/290, A/72/316, A/72/335, A/72/350, A/72/351, A/72/365, A/72/370, A/72/381, A/72/495, A/72/496, A/72/502, A/72/518, A/72/523 and A/72/540)

(c) Human rights situations and reports of special rapporteurs and representatives (*continued*) (A/72/279, A/72/281, A/72/322, A/72/322/Corr.1, A/72/382, A/72/394, A/72/493, A/72/498 and A/72/556; A/72/580–S/2017/798, A//72/581–S/2017/799, A/72/582–S/2017/800, A/72/583–S/2017/816, A/72/584–S/2017/817, A/72/585–S/2017/818, A/72/586–S/2017/819, A/72/587–S/2017/852, A/72/588–S/2017/873, A/C.3/72/11 and A/C.3/72/14)

1. **Mr. de Varennes** (Special Rapporteur on minority issues), introducing the report submitted by his predecessor (A/72/165), said that she had urged the United Nations to promote minority rights more vigorously, not only at the national, regional and international levels but also within the United Nations system itself. In particular, the United Nations should take steps to improve existing mechanisms, including the Forum on Minority Issues, which should be strengthened by raising its visibility, following up on the implementation of its recommendations, fostering minority ownership of its agenda and promoting more interactive dialogue with minorities during its sessions. Furthermore, the United Nations network on racial discrimination and protection of minorities should update the Human Rights Council regularly on its work, and consideration should be given to appointing a high-level official on minority issues within the Secretariat and to establishing senior minority-rights positions within departments and agencies. She had identified other important concerns that he would continue to address, including the increase in hate speech; the lack of agreement on the meaning of "minority"; the exclusion of minorities from political and public office and the absence of explicit reference to minorities in the 2030 Agenda for Sustainable Development.

2. The international human rights regime had emerged after the Second World War to protect minorities from a repetition of the horrors of that war, but the emphasis had shifted over time to other vulnerable populations. In accordance with his mandate, he would endeavour to restore the balance by promoting minority rights at the national, regional and international levels.

3. His thematic priorities would be minority statelessness, minority education, preventing or resolving ethnic conflicts and addressing the rise of intolerance and hate speech, and he would prepare thematic studies in at least three areas: the scope and meaning of the term "minority"; the economic benefits of protecting the rights of minorities and the challenge of strengthening commitment to the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities and improving the reach and effectiveness of the Forum. That focus was timely, in view of the twenty-fifth anniversary of the Declaration and the tenth anniversary of the Forum, and that divergent interpretations of the meaning of "minority" had weakened the effectiveness of the Declaration. In addressing the issues of minority education and minority statelessness, he would continue to focus on women and children, and he would also continue his predecessor's attention to the Roma, Dalits and similar groups. His first thematic report would address statelessness and its relationship to the human rights of minorities, who made up the majority of stateless persons.

4. **Ms. Meylan** (Switzerland) said that her delegation applauded the focus on protecting minority rights during humanitarian crises at the most recent session of the Forum. While civil society, including human rights defenders, played a key role in protecting minorities, it was often hindered by administrative barriers, intimidation, harassment or violence. She would appreciate the Special Rapporteur's views on the role of civil society and how it could be strengthened.

5. **Mr. Varga** (Hungary) said that the 2017 Budapest Human Rights Forum would dedicate a panel discussion to the twenty-fifth anniversary of the Declaration. Hungary remained particularly concerned about violent attacks against Christian communities in the Middle East and about the situation of the Roma.

Especially in view of Ukraine's new law on education, it welcomed the Special Rapporteur's decision to make the education of persons belonging to minorities a key priority. He asked how to encourage States to uphold the education-related rights of minorities, including the right to instruction in their mother tongue.

6. **Mr. Odisho** (Iraq) said that his country's Constitution enshrined the principles of non-discrimination and freedom of religion. Iraq provided religious instruction in Christianity to Christian Iraqi children, as well as education for Syrian refugee children, and it had issued licenses to stream content in a number of languages. It had adopted security plans to protect minority populations from Islamic State in Iraq and the Levant (ISIL), and Syrians and Yazidis were being returned safely to their home regions. All Iraqis, including minorities, were the victims of ISIL terrorism, and he appealed to the international community to continue to provide support for his country's struggle against it.

7. **Ms. Lozano Rubell** (Mexico) said that her delegation would appreciate the Special Rapporteur's opinion on the main challenges for strengthening national laws on the protection of minority rights.

8. **Ms. Amadeo** (United States of America) said that her delegation applauded the progress of the Governments of Hungary, Bulgaria, Bosnia and Herzegovina, France and Greece on promoting the rights of the Roma and encouraged the new Special Rapporteur to work with other countries on that issue. It condemned Burma's brutal, sustained campaign to cleanse the country of the Rohingya, and it remained concerned about the treatment of ethnic minorities in China, including the reports of Uighur children being separated from their families and held in orphanages. She asked what the United Nations could do at the national and regional levels to encourage States to strengthen their minority protection frameworks.

9. **Mr. Forax** (Observer for the European Union) said that States must do more to promote and protect the rights of minorities in the context of insecurity, intolerance, conflict and forced displacement, which affected them disproportionately. He asked what, in addition to appropriate training, could be done to reduce the use of ethnic profiling in law enforcement.

10. **Ms. Konzett-Stoffl** (Austria) said that her delegation would like to know what practices had proven effective for countering hate speech and preventing violence and how the issues affecting minority women and children could be addressed comprehensively. She would also appreciate hearing his views on how the United Nations could do more to protect minorities and why raising the profile of the Forum on Minority issues was a priority.

11. **Ms. Shlychkova** (Russian Federation) said that her delegation was confident that the Special Rapporteur would continue to focus attention on upholding the right of minorities to citizenship, education in their mother tongue and preservation of their ethnic and cultural identity. It encouraged him to be alert to attempts by authorities in the Baltics and Ukraine to limit the rights of ethnic and linguistic minorities, including Russian speakers. He should pressure the Government of Ukraine to abandon its aggressively assimilationist policies, including by rescinding the new education law, which violated the rights of non-Ukrainian-speaking communities. He should also shun the introduction of concepts on which there was no intergovernmental consensus. As a multi-ethnic State, the Russian Federation stood ready to share its knowledge and best practices in the area of minority rights.

12. **Mr. Yaremenko** (Ukraine), reminding the Russian delegation of the Russian Federation's recent decision to limit the use of minority languages as languages of instruction, said that Ukraine guaranteed the right of national minorities to be taught in and study their native languages in its Constitution, and it was a party to numerous international agreements with similar guarantees. Furthermore, it was providing education in minority languages to 400,000 children in 735 schools. Especially since no Government would dispute the importance of having a command of the official State language, he appealed to the Committee to avoid politicizing its law on education. Ukraine had submitted the law to the European Commission for Democracy through Law and would abide by the Commission's recommendations.

13. **Mr. Harjanto** (Indonesia) said that, as a diverse country committed to protecting the rights of its ethnic and religious communities, Indonesia had enacted an anti-discrimination law in 2008, which it was following up with awareness raising and capacity-building. To further protect its diverse communities, a circular prohibiting hate speech had been issued in 2015. In addition, Indonesia had established interreligious harmony forums in all provinces, as well as bilateral interfaith dialogues. He asked what other steps could be taken to prevent discrimination and hate speech.

14. **Ms. Qu** Jiehao (China) said that China was a multi-ethnic country with 56 ethnic groups and a

regional ethnic autonomy system. It guaranteed the right of ethnic minorities to equal participation in government and social affairs and invested in their regions. It fully protected their freedom of religion, supported their education and cultural undertakings, guaranteed their right to use their own languages and protected and promoted their traditional customs.

15. The accusation of the representative of the United States of America was unfounded and politically motivated. Her Government should face up to its own festering problems of racial discrimination rather than attacking other countries.

16. **Mr. Sjøberg** (Norway), noting that religious minorities had been disproportionately targeted by ISIL, said that the world community must address the challenge of protecting religious minorities in war and conflict. Further discussion of best practices for supporting the rights of minority women would be welcome; he called attention to the need for data on minorities to ensure that they were not left behind.

17. **Mr. de Varennes** (Special Rapporteur on minority issues) said that hate speech was one of his thematic priorities. It was increasingly prevalent and risked becoming banal. The first step in combating it was to enforce the laws already on the books. A second might be to counter hate narratives with campaigns acknowledging and celebrating national diversity.

18. The first step in confronting a problem was to acknowledge it. The fact that the hundreds of thousands of Rohingya who had fled to Bangladesh were a marginalized religious and ethnic minority whose citizenship was not even recognized in Myanmar should have been a focus of media coverage. International agencies and civil society organizations should acknowledge that minorities, especially minority women and girls, faced special challenges for access to quality education. One of the ways that he could engage with other special rapporteurs, international organizations, civil society and governments was by enhancing their understanding of minority issues and increasing the visibility of minorities.

19. The United Nations system must also work to increase their visibility. One way would be through the United Nations network on racial discrimination and protection of minorities, which could enhance dialogue and cooperation within the system and perhaps develop guidelines on recognizing minorities in United Nations communications. Another would be to expand the Forum on Minority Issues by adding regional events, which would make it more accessible and also more attuned to regional contexts and challenges.

20. **Mr. Forst** (Special Rapporteur on the situation of human rights defenders), introducing his report (A/72/170), said that defenders of human rights in the field of business were being threatened, harassed and killed in increasing numbers, largely owing to the absence of preventive and reactive measures. The 450 reported acts of deliberate violence against those defenders in 2015 and 2016 represented only the tip of the iceberg. Since 2004, he and his predecessors had sent roughly 100 communications directly involving attacks on human rights defenders in the field of business by State and non-State actors. He was appalled by the number of cases in which companies benefited from corrupt political systems that favoured short-term profits over human rights.

21. Over the past year, he had met with many different stakeholders, including governments, companies and development banks, and he had seen positive developments, such as the Ranking Digital Rights initiative, new corporate guidelines or policies on human rights defenders and new national action plans on business and human rights with specific chapters on civil society and human rights defenders. However, growing numbers of companies headquartered outside the countries of the Organization for Economic Cooperation and Development had neither joined international initiatives for corporate social responsibility nor been put to the test of corporate accountability.

22. In his report, he called on States to adopt legislation requiring companies to demonstrate due diligence in the protection of human rights and guaranteeing the participation of communities and defenders in business-related decisions; encouraged companies to assess the situation of civic freedoms and human rights defenders in countries where they operated, to engage actively with defenders and civil society organizations and to implement processes for the remediation of adverse human rights impacts arising in any area of operations; and urged international financial institutions to ensure that their projects did not undermine human rights and to withhold approval for investments where impact assessments revealed serious threats to civic freedoms and defenders at the country or local level.

23. It was time for real change. Globalization should be accompanied by global recognition and respect for human rights. The choice between a safe environment for human rights defenders and a healthy environment

for business was a false one. The two went hand in hand.

24. With respect to other matters, he had visited Mexico in 2017 and looked forward to continued dialogue on improving the situation of human rights defenders in that country. He was currently discussing the possibility of official visits to the Democratic Republic of Congo, Honduras and Peru.

25. He expressed the hope that the upcoming twentieth anniversary of the Declaration on Human Rights Defenders would be an occasion to celebrate those defenders, acknowledge their contribution to peace, democracy and the rule of law and make sincere and ambitious commitments to protect them.

26. **Mr. Sjøberg** (Norway) said that his delegation was appalled by the scale and character of attacks on human rights defenders. More than 200 environmental defenders had been murdered in 2016 alone. Yet their activities were essential for the attainment of the Sustainable Development Goals.

27. **Ms. Meylan** (Switzerland) said that human rights defenders played a crucial role in ensuring respect for human rights. Noting that more human rights defenders in the field of business were murdered in Latin America than anywhere else, she asked for examples of Latin American best practices for protecting human rights defenders. She would also appreciate examples of State best practices for ensuring that defenders had access to effective remedy.

28. **Mr. Forax** (Observer for the European Union) said that measures to ensure the safety of human rights defenders should take the gender dimension of threats and harassment into account. He would like to know about business best practices in preventive and reactive measures and about actions that States might need to take in that area. He also wondered if the Special Rapporteur saw any patterns in efforts to stifle the work of defenders and how they might be addressed.

29. **Ms. Cruz** (Spain) said that Spain had recently adopted a national action plan on business and human rights which highlighted the positive role of human rights defenders and the negative impact of threats and violence against them. The protection of defenders was a priority of Spanish human rights foreign policy, and Spanish cooperation funded activities to encourage the political participation of indigenous peoples, including their participation in business projects affecting them. She would like to know what measures the Special Rapporteur might be considering to improve the effectiveness of consultation mechanisms.

30. **Ms. Přikrylová** (Czechia) said that she would like to know what concrete measures could be implemented to de-escalate conflicts and counter the negative narrative against human rights advocacy.

31. **Ms. Hindley** (United Kingdom) said that when businesses acted responsibly, they helped to create jobs and serve customers' needs while generating a sense of fairness, all of which contributed to stability and progress. In recognition of the role of a responsible private sector, her country's national action plan on business and human rights required its diplomatic missions to work with human rights defenders and other local experts so that they could inform companies of human rights risks.

32. **Mr. Castillo Santana** (Cuba) said that most of the topics in the Special Rapporteur's report duplicated those addressed by other mandate holders. In addition, the recommendations in its paragraphs 91 (a) and 92 (a) and (c) could result in arbitrary, subjective or easily manipulated assessments that had nothing to do with protecting human rights and could harm developing countries economically. They were also directed at entities with no jurisdiction or authority in the matter. For the credibility of their mandates, mandate holders must respect the central importance of objectivity, in accordance with the Code of Conduct for Special Procedures Mandate-holders of the Human Rights Council.

33. **Mr. Nielsen** (Denmark) said that his country had a long tradition of promoting and defending space for civil society to engage in local, national and international discussions, and it had worked for many years to ensure the inclusion of civil society representatives in decision-making processes. It had also been among the first to launch a national action plan on business and human rights. He asked about new approaches to protecting human rights defenders in the field of business, including women defenders, and about best practices for implementing the Guiding Principles on Business and Human Rights as they related to the protection of human rights defenders.

34. **Mr. Bryan** (Canada) said that his Government supported an effort by multiple actors to develop guidelines for Canadian businesses on respect for the public space and collaboration with human rights defenders. Canadian diplomatic missions would continue to support the Guiding Principles and to develop corporate social responsibility initiatives. With respect to inclusive stakeholder dialogue, he would like to know what drove exclusion and how best to ensure the inclusion of the perspectives of

vulnerable communities. He would also like to learn more about existing open-source resources for promoting inclusive consultation and how they could be better disseminated.

35. **Mr. Morales López** (Colombia) said that his country had established several interrelated mechanisms to defend the lives and work of human rights defenders, and it gave priority to investigating and prosecuting threats and violence against defenders and community and political leaders. Colombia would find it useful if future reports contained disaggregated data on environmental defenders, defenders in the field of business and trade unionists.

36. **Ms. Shlychkova** (Russian Federation) said that her country was building a mature and resilient civil society by providing non-governmental organizations with support at the federal and regional levels. In addition to increased federal funding for projects that addressed social issues and protected human rights and civil liberties, there was also a national outstanding achievement award in the field of human rights.

37. The subject of the Special Rapporteur's report fell within the mandates of three special mechanisms that focused on the topic of business and human rights. Besides not being an effective use of resources, such duplication indicated that there were too many special mechanisms and that they should be reviewed and reduced in number.

38. Noting that the Special Rapporteur's interpretation of the Guiding Principles on Business and Human Rights could lead to the issue of human rights being manipulated to allow unfair competition, she questioned his calls for full disclosure of commercial information, adding that attempts to use the issue of human rights defenders to influence investor behaviour were unacceptable.

39. **Mr. Kelly** (Ireland) said that his Government would soon be launching a national action plan on business and human rights. Civil society could operate effectively only in an open and transparent society in which all stakeholders cooperated. He would like to know what kind of global network could be established to assist corporations operating in several countries to engage with all relevant stakeholders, including States and defenders, when drawing up their human rights policies.

40. **Ms. Ruminowicz** (Poland) said that Poland had adopted a national action plan on business and human rights in May 2017. She would like to know what States could do to strengthen the protection of women human rights defenders.

41. **Ms. Bhengu** (South Africa) said that the complexity of transnational corporate structures and the concomitant barriers to assessing information about companies and their supply chains underlined the need to go beyond the Guiding Principles. Conglomerates commanded large profits that could exert enormous pressure on States with weak economies, whose policies and regulations tended to favour business profitability at the expense of human rights. Her Government was fully committed to the process of developing a legally binding framework to ensure corporate accountability.

42. **Mr. Oppenheimer** (Netherlands) said that when States, civil society and corporations cooperated, there were positive results. The Netherlands had launched a multi-stakeholder initiative aimed at responsible supply chain management that had led to five responsible business conduct agreements in five sectors, including banking. It had also helped to launch the Corporate Human Rights Benchmark, used by a coalition of investors representing more than $5 trillion. He would like to know how States could assist each other in adopting national legislation to hold companies accountable for human rights violations.

43. **Ms. Amadeo** (United States of America) said that her delegation reiterated its call for a full investigation into the murder of United Nations experts Michael Sharp and Zaida Catalán. She would like to know what more could be done to protect other human rights defenders working for international organizations and ensure safer conditions for them.

44. **Ms. Učakar** (Slovenia) said that her Government particularly welcomed the focus of the report, as it was preparing a national action plan on business and human rights. She would be interested in best practices for applying the Guiding Principles and any other standards the Special Rapporteur considered relevant to the protection of human rights defenders and their work, as well as for integrating a gender perspective in that context.

45. **Mr. Begeç** (Turkey) said that special rapporteurs of the Human Rights Council were bound by the Council's Code of Conduct for Special Procedures Mandate-Holders to uphold the highest standard of efficiency, competence and integrity; to adopt a conduct consistent with their status at all times; and to be aware of the importance of their duties and responsibilities, take the particular nature of their

mandate into consideration and behave in such a way so as to maintain and reinforce the trust they enjoy of all stakeholders.

46. **Mr. Clyne** (New Zealand) said that States had primary responsibility for protecting human rights defenders, including by upholding due process, freedom of speech and the rule of law. Government policy should not impede human rights defenders but, rather, should ensure a free and safe environment for their activities.

47. **Ms. Qu** Jiehao (China) said that the Special Rapporteur's report contained unwarranted comments about China and two multilateral financial institutions, Asian Infrastructure Investment Bank and the New Development Bank. She urged him to comply with his obligation to use accurate information, carry out his activities in an objective manner and engage in constructive, cooperative dialogue with States. Different countries had different ideas about the concept of human rights defender. In China's view, all people should enjoy the same rights and fundamental freedoms on an equal footing, and defenders of human rights should not receive special legal status or special rights. People who broke the law and undermined public order and the interests of the majority in the name of human rights should face the legal consequences.

48. **Ms. Petit** (France) said that her delegation encouraged all States to protect human rights defenders and to provide an enabling environment for their activities in accordance with the Guiding Principles. In March, France had enacted a law on the duty of care of parent companies and subcontractors that made multinationals responsible for human rights violations throughout their sphere of influence and required them to adopt plans to prevent serious human rights, health and safety and environmental violations.

49. **Mr. de Souza Monteiro** (Brazil) said that his country's national policy on the protection of human rights defenders addressed the root causes of risks to defenders, provided for protective measures and authorized the appropriate bodies to investigate and prosecute threats and aggression against them. The report mentioned gaps in the application of the Guiding Principles that a legally binding human rights treaty on State and business conduct might close. He would like to know which gaps such a treaty should address.

50. **Mr. Ríos Sánchez** (Mexico), thanking the Special Rapporteur for his visit to Mexico in January 2017, said that his Government would carefully analyse and consider the recommendations in his final report in a spirit of cooperation. It would soon be publishing a national action plan on business and human rights developed in consultation with the Working Group on business and human rights, with which the Special Rapporteur should work more closely.

51. **Ms. Cedeño Rengifo** (Panama) said that her Government remained committed to protecting all human rights defenders against threats, coercion and violence and to creating an enabling environment for their work. It was currently following up on cases of violence against environmental human rights defenders.

52. **Mr. Muižnieks** (Observer for the Council of Europe), speaking as Council of Europe Commissioner for Human Rights, said that the space for human rights defenders in Europe was shrinking. In certain countries and certain fields — migrants' rights, lesbian, gay, bisexual, transgender, and intersex rights and women's sexual and reproductive rights — defenders were particularly at risk of legal and administrative restrictions, judicial and financial harassment, smear campaigns, threats and outright violence.

53. The Council of Europe set standards and published reports. At its core was the European Court of Human Rights, which had extensive case law on freedom of association, assembly and expression. It also adjudicated individual cases involving human rights defenders.

54. He worked closely with the Special Rapporteur, whose workload was also increasing. Their partners were struggling. More must be done to strengthen the legitimacy of defenders, who were often labelled spies, traitors and foreign agents.

55. **Mr. Forst** (Special Rapporteur on the situation of human rights defenders) said that he would be working closely with the Assistant Secretary-General for Human Rights on reprisals against defenders, and he knew that other international organizations had similar arrangements. Concerted efforts could be beneficial to those encountering difficulties in engaging with the United Nations and regional organizations.

56. Regarding the many questions about best practices, he invited the delegations to attend the November session of the Forum on Business and Human Rights, because the Working Group on business and human rights was preparing guidance for business on human rights defenders. The session would provide an opportunity for exchanges not only with the

Working Group but also with other delegations and representatives of companies.

57. Allegation letters had proven effective, especially with the backing of the organizations that had documented the cases. While the practice had been to send them only to States, he had begun sending them to companies, and almost all had replied.

58. In 2018, he planned to engage with stakeholders to establish a global coalition to change the narrative about human rights defenders. Several stakeholders, including States, had already suggested campaigning for human rights defenders to receive the Nobel Peace Prize.

59. **Ms. Bennoune** (Special Rapporteur in the field of cultural rights), introducing her report (A/72/155), said that it addressed the impact of fundamentalism and extremism on the cultural rights of women. Proponents of fundamentalist and extremist ideologies were seeking to roll back advances in women's equality and to penalize and stigmatize women human rights defenders. Such anti-rights trends must be met with a vigorous international challenge centred on women's rights. In that connection, the Convention on the Elimination of All Forms of Discrimination against Women was the human rights convention to which the most reservations had been made, and that situation must change.

60. Fundamentalism had emerged as a minority phenomenon in all of the world's major religious traditions. No religion was inherently fundamentalist, and opposition to fundamentalism was not the same as opposition to religion. Fundamentalist and extremist abuses of cultural rights often involved cultural engineering justified by supposed cultural and moral superiority and focused, inter alia, on policing "honour" and "modesty", which had particular consequences for women. Some forms of contemporary extremism that were especially damaging for women emphasized myths of a homogenous nation, claims of ethnic or racial superiority or purity, and populist ultra-nationalism. Extremism need not be violent to infringe women's right to taken part in cultural life without discrimination.

61. Diverse religious fundamentalists sought to punish "religiously" objectionable cultural expression in ways that were particularly harmful for women, including blasphemy laws, gender discriminatory family laws, harassment, education that did not conform to human rights standards and outright violence. They often harassed and targeted female members of minority groups and openly lesbian, bisexual and transgender (LGBT) women. The history and practice of women's artistic expression was regularly erased by diverse fundamentalisms, and cultural events associated with women and girls had been the target of extremist terrorism.

62. Secularism was a critical part of the struggle against anti-women fundamentalist ideologies. Governments must also counterbalance fundamentalist and extremist discourse by publicly defending women's equality. Non-discriminatory, non-sexist education was a bulwark against fundamentalism and extremism, and governments that promoted systematic discrimination against women created fertile ground for radical violent extremist groups. Despite their critical nature for combating all forms of extremism and fundamentalism, women's rights were often set aside or negotiated away in pursuit of peace with fundamental and extremist groups.

63. She urged all States to respect and protect the rights of women human rights defenders, who often faced criminal sanctions, defamation, ostracism, death threats, violence and even death. It was also important to support women artists who called out fundamentalism and extremism.

64. Denying women and girls contraception or abortion services, or forcing girls into early marriage, denied them the right to control their fertility and sexuality, which affected their full and equal enjoyment of cultural and other human rights, including access to education. Women's equal right to take part in cultural life included their right to be religious leaders and to have access to religious sites.

65. Fundamentalist and extremist groups often sought to quash any positive expression and representation of sexual orientation-related themes and sexual minorities. Such repression stifled the sharing of information about LBGT cultural events.

66. She was deeply concerned that women's cultural rights were moving backwards. States, international organizations and civil society must come together to develop comprehensive human rights strategies to defend those rights from fundamentalism and extremism, in accordance with international norms. Women's cultural rights were critical counterweights to fundamentalism and extremism.

67. **Ms. Mohamed Didi** (Maldives) said that protecting women and girls from radical elements in society was crucial to strengthening a country's overall human rights situation. Educated and empowered

women and girls were the foundation of resilient societies that could stand firm against fundamentalism and extremism. Culture, tradition or religion should not be used to justify prejudice or violence against women, and priority should be given to promoting gender equality and denouncing gender-related violence. To a certain extent, women's rights could be enforced through legislative measures, such as the Maldives laws on gender equality, sexual offences, preventing sexual harassment and abuse and preventing domestic violence. However, it was also essential to cultivate a culture of respect for all human rights.

68. **Ms. Shlychkova** (Russian Federation) said that while the issues of religious belief and sexual orientation were interwoven with fundamentalism and extremism, they were outside the Special Rapporteur's mandate. Furthermore, it seemed unrealistic to suggest that women's enjoyment of their cultural rights was critical to combating fundamentalism and extremism.

69. The proliferation of fundamentalism and extremism in some regions had led a number of States to oust inconvenient regimes, with unfortunate repercussions such as the emergence of the terrorist group Boko Haram. Only the coordinated actions of the entire international community could defeat terrorism, establish peace and security and, consequently, allow women to enjoy their rights.

70. In her report, the Special Rapporteur advocated a Western approach to the protection and promotion of human rights and categorically rejected the principle of cultural diversity. By effectively denying that women could voluntarily choose to respect national religious traditions by wearing customary garb, she was essentially attempting to limit their self-expression.

71. The report contained contrived attempts to link issues of motherhood and sexual orientation with women's enjoyment of their cultural rights. Expressing one's sexual orientation had nothing to do with realizing one's potential, and in any case the emphasis should be not on tapping the potential of individuals but on universal access to quality education.

72. **Mr. Burin des Roziers** (France) said that there was no acceptable reason for denying women's rights. Human rights, including women's rights, should be core aspects of any strategy for combating extremism, and non-sexist education was essential for preventing it. Women and women human rights defenders must be an integral part of anti-extremist actions, and it was the responsibility of States to enact and enforce laws guaranteeing their agency and freedom of expression. France considered women's rights, gender equality and combating gender-related violence to be major human rights priorities. He asked how the Special Rapporteur would go about encouraging States and international organizations to include curricula that fostered gender equality and women's empowerment in their strategies for preventing extremism.

73. **Ms. Moutchou** (Morocco) said that the report boldly addressed an important and sensitive issue that was often ignored or given low priority. Morocco urged the international community to develop a gender-sensitive mechanism for detecting the warning signs of emerging fundamentalism and called on States to uphold women's rights to freedom of expression and participation in cultural life and to promote cultural diversity and tolerance in their schools. Morocco considered attacks on cultural rights and cultural heritage to be cultural terrorism, and it was working at the international level to craft a strong response to destruction of the world cultural heritage. Its Constitution emphasized cultural diversity, and it continued to fight terrorism on all fronts. She asked what could be done to promote and strengthen the role of defenders of cultural rights.

74. **Ms. Sammi** (Malta) said that Malta wished to express its reservation to the section in the report entitled "Cultural rights impact of reproductive health and rights". Abortion was illegal in Malta, and her Government could not align itself with any position or recommendation which might create an obligation on any Member State to consider abortion a legitimate form of reproductive health rights, services or commodities.

75. **Ms. Węgrzynowska** (Poland) said that, in view of the social and political impact of fundamentalism and its implications for peace, security and stability, it deserved a thorough and solid analysis, without ambiguous suggestions.

76. **Mr. Forax** (Observer for the European Union) said that a human rights-based, gender-sensitive approach to women's cultural rights was critical. The European Union recognized that extremist, patriarchal rhetoric by governments undermined women's rights and increased their vulnerability to discrimination. It fully supported the Special Rapporteur's call to challenge fundamentalist and extremist discourses. It urged Member States to engage with civil society and to support both women human rights defenders and women who spoke out about their own experiences. Attainment of the 2030 Agenda for Sustainable Development hinged on achievement of cultural democracy and protection of women's rights.

77. **Ms. Bennoune** (Special rapporteur in the field of cultural rights) said that, regarding the suggestion that her approach was a Western one, those standing up to fundamentalism and extremism came from every part of the world and often expressed very similar concerns. The impact of fundamentalism and extremism on women's cultural rights was a universal human rights issue, and questioning fundamentalism and extremism was not an indication of a Western mindset.

78. She had a deep respect for cultural diversity, which was closely related to universality. One of the reasons that fundamentalism and extremism represented a threat to cultural rights was that they attempted to stamp out cultural diversity, including the cultural expression of minorities, women, LGBT people and people within the religious majority tradition. Rising fundamentalist, extremist and ultranationalist movements were also major threats to freedom of artistic expression, scientific freedom and the right to take part in cultural life without discrimination.

79. The section on "modest" dress codes had been somewhat misconstrued. She had raised a general concern that the imposition of "modest" dress promoted the idea that women were confined to stereotypical, subordinated positions in society; limited their bodily autonomy and fostered a culture of shame about women's bodies. In some countries, "modest" dress was imposed by punishments that violated international law, and in many contexts, it represented a radical change from traditional dress. She had also defended the right of those who did veil to be free from violence and discrimination.

80. With regard to promoting and strengthening the role of cultural rights defenders, the international community should ensure that they were always included in international initiatives to protect human rights defenders. With respect to non-sexist education, one critical step would be to review curricula and textbooks for fundamentalist or extremist ideology or stereotypes about women.

The meeting rose at 12.40 p.m.